

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOOLPROOF NAVIGATION S.A.,

Plaintiff,

-against-

08 Civ. 9833(CM)

TRIMARINE CORPORATION S.A. and
OCEAN MARINE S.A.C,

Defendants.
_____x

MEMORANDUM ORDER DENYING MOTION TO VACATE RULE B ATTACHMENT

McMahon, J.:

For the reasons set forth in this court's prior decision Prestigious Shipping Co. v. Agrocorp Intl. Pty. Ltd., 2007 U.S. Dist. LEXIS 74108 at *3 (S.D.N.Y. Oct. 1, 2007) – namely, that the word “district” as used in a federal statute is a term of art referring to the districts established by Congress for the purpose of holding court within the United States and its territories – I respectfully disagree with my esteemed colleagues, Judges Keenan and Sweet, and conclude that the presence of plaintiff and one of the two corporate defendants (Trimarine) in Panama (which is a foreign country, not a “district” within the federal court system) does not compel vacatur of the attachment previously ordered by this court. Trimarine's motion to vacate the attachment in aid of the London arbitration that is presently pending between the parties is denied.

Dated: June 11, 2009



U.S.D.J.

BY ECF TO ALL COUNSEL

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